IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION (PAROLE) NO. 4599/2007

MANDATA SINGH @ BUNTI Vs. STATE OF RAJASTHAN & ORS.

DATE: 14.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mrs. Kamla Jain with
Mr. Mahendra Singh for the accused-petitioner.

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This writ petition is filed by the petitioner for consideration of regular parole. Earlier also the petitioner had preferred a writ petition before this Court which was registered as S.B. Civil Writ Petition No. 2987/2007- Mandata Singh Vs. State and Ors., wherein this Court vide order dated 21.05.2007 directed the respondents to take final decision on the regular parole application within a period of six weeks.

As per the directions of this Court, the matter of the petitioner was considered and the application moved by the petitioner for regular parole has been rejected by the District Parole Advisory Committee vide order dated 25.05.2007. It was found that the reason which has been stated by the petitioner that his mother is sick, she is found fit and another reason for refusal was that there is apprehension of

breach of peace, therefore, the regular parole application has been rejected.

The petitioner has challenged this order dated 25.05.2007 on the ground that Jail Superintendent has given report in favour of the petitioner and further the Social Welfare Officer also given favourable report.

In support of her submissions, learned counsel for the petitioner has placed reliance on the judgment rendered by the Division Bench of this Court in the case of **Mangu & Mangi Lal Vs. State, 1998(2) RLW (Raj.) 1177,** wherein this Court has held that Rule 9 lays down that a prisoner who has completed with remission, if any, one fourth of his sentence and had good conduct in the jail, may be released on first parole for twenty days.

So far as entitlement of releasing on first parole is concerned, no doubt the petitioner is entitled to be released on regular parole but releasing on regular parole is not legal right, but if the petitioner's mother is not really well, to this effect the petitioner should submit medical report and if such medical report is submitted by the petitioner along with his fresh application, then considering the recommendations made by the Jail Superintendent and Social Welfare officer and as per the ratio decided by this Court in the aforementioned case of **Mangu & Mangi**

Lal (supra), police report has to be ignored at the time of granting regular parole and shall pass the fresh order of parole.

With these observations, the petitioner is given liberty to move fresh application along with medical report, as observed herein above.

The writ petition stands disposed of accordingly.

(K.S. RATHORE),J.

/KKC/